

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**BURT SHEARER TRUSTEE, as trustee of the)
SHEARER FAMILY LIVING TRUST, on)
behalf of Nominal Defendant, NATIONAL)
HEALTH INVESTORS, INC.,)
Plaintiff,)**

v.)

No. 3:11-00099

Judge Sharp

**W. ANDREW ADAMS, ROBERT A. McCABE,)
JR., ROBERT T. WEBB and TED H. WELCH,)
Defendants,)**

and)

**NATIONAL HEALTH INVESTORS, INC.,)
Nominal Defendant.)**

ORDER

For the reasons explained in the accompanying Memorandum, the Court hereby enters the following rulings:


(1) The Motion to Dismiss for Claim Preclusion filed by Defendants W. Andrew Adams, Robert A. McCabe, Jr., Robert T. Webb and Ted H. Welch (Docket No. 17) is hereby GRANTED;

(2) Nominal Defendant National Health Investors, Inc.'s Motion to Dismiss the Complaint because the Plaintiff Lacks Standing (Docket No. 16) is hereby DENIED AS MOOT; and

(3) This case is hereby DISMISSED WITH PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE